

1 The Honorable Richard A. Jones
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10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
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15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 RANDOLPH GEORGE DUEY,
19 Defendant.
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21 NO. 2:85-cr-00001-RAJ
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24 ORDER ON DEFENDANT'S MOTION
25 FOR COMPASSIONATE RELEASE
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29 This matter comes before the Court on Defendant Randolph George Duey's
30 motion for compassionate release. Dkt. 8. Having thoroughly considered the parties'
31 briefing and the relevant record, the Court finds oral argument unnecessary and hereby
32 **DENIES** the motion.

33 Mr. Duey has filed a *pro se* motion asking this Court to reduce his sentence citing, as
34 authority, 18 U.S.C. § 3582(c)(1)(A). The Court agrees with the government's analysis
35 that this statutory provision does not apply to Mr. Duey as he was charged, convicted, and
36 sentenced prior to November 1, 1987, the effective date of the Sentencing Reform Act of
37 1984. Instead, the statute that is applicable to his case is 18 U.S.C. § 4205(g), which remains
38 applicable to those inmates whose crimes were committed prior to the November 1, 1987.
39 By its terms, Section 4205(g) only permits a reduction in a defendant's sentence upon a
40 motion by the Bureau of Prisons. This statute was not amended by the First Step Act, and
41 therefore does not permit this Court to consider a motion filed by a defendant. Because the
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1 Director of the Bureau of Prisons has not filed such a motion on Mr. Duey's behalf, this
2 Court has no jurisdiction to reduce Mr. Duey's sentence, and his motion is **DENIED**.

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4 DATED this 22nd day of January, 2021.

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7 The Honorable Richard A. Jones
8 United States District Judge

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